

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 93 CORRECTED

Introduced by Cornett, 45

Read first time January 5, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to state government; to amend sections 81-5,151
2 and 81-5,157, Reissue Revised Statutes of Nebraska, and
3 sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and
4 60-3,118, Revised Statutes Cumulative Supplement, 2006;
5 to provide for firefighter plates; to change provisions
6 relating to personalized message license plates; to
7 provide for training for certain emergency personnel;
8 to eliminate obsolete language; to create a fund; to
9 harmonize provisions; to provide an operative date; and
10 to repeal the original sections.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-301, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-301 Sections 60-301 to 60-3,220 and sections 2 and 3
4 of this act shall be known and may be cited as the Motor Vehicle
5 Registration Act.

6 Sec. 2. (1) The department shall design license plates
7 to be known as firefighter plates. The department shall create a
8 design for the plates in consultation with the State Fire Marshal.
9 The design shall be selected on the basis of (a) enhancing the
10 marketability of the plates to firefighters and (b) limiting the
11 manufacturing cost of each plate to an amount less than or equal to
12 the amount charged for license plates pursuant to section 60-3,102.

13 (2) One type of firefighter plates under this section
14 shall be firefighter plates with a combination of letters and
15 numerals. Such combination of letters and numerals shall not be the
16 same system as the alphanumeric system described in section 60-370.
17 The department shall not use the county number system as described
18 in section 60-370 for firefighter plates.

19 (3) One type of firefighter plates shall be personalized
20 message plates. Such plates shall be issued subject to the same
21 conditions specified for message plates in subsection (2) of
22 section 60-3,118.

23 Sec. 3. (1) The department shall issue firefighter
24 plates only to a qualified applicant. A qualified applicant is
25 a resident of this state who is serving as a volunteer or full-time

1 firefighter in this state. A qualified applicant may apply to the
2 department for firefighter plates in lieu of regular license plates
3 on an application prescribed and provided by the department for any
4 motor vehicle or cabin trailer, except commercial trucks registered
5 for over ten tons gross weight. The application shall include a
6 statement signed by the fire chief of the Nebraska fire department
7 in which the firefighter is serving verifying the applicant's
8 employment or volunteer status. The department shall make forms
9 available for such applications through the county treasurers or
10 designated county officials.

11 (2)(a) Each application for initial issuance of
12 consecutively numbered firefighter plates shall be accompanied
13 by a fee of fifteen dollars. An application for renewal of such
14 plates shall be accompanied by a fee of fifteen dollars. County
15 treasurers or designated county officials collecting fees for
16 renewals pursuant to this subdivision shall remit such fees to
17 the State Treasurer. The State Treasurer shall credit one-third of
18 the fees for initial issuance and renewal of such plates to the
19 Department of Motor Vehicles Cash Fund and two-thirds of the fees
20 to the Firefighter Response Cash Fund.

21 (b) Each application for initial issuance of personalized
22 message firefighter plates shall be accompanied by a fee of
23 forty dollars. An application for renewal of such plates shall
24 be accompanied by a fee of forty dollars. County treasurers or
25 designated county officials collecting fees for renewals pursuant

1 to this subdivision shall remit them to the State Treasurer. The
 2 State Treasurer shall credit seventy-five percent of the fees for
 3 initial issuance and renewal of such plates to the Department of
 4 Motor Vehicles Cash Fund and twenty-five percent of the fees to the
 5 Firefighter Response Cash Fund.

6 (3) When the department receives an application for
 7 firefighter plates, the department shall deliver the plates to
 8 the county treasurer or designated county official of the county
 9 in which the vehicle is registered. The county treasurer or
 10 designated county official shall issue firefighter plates in lieu
 11 of regular license plates when the applicant complies with the
 12 other provisions of law for registration of the vehicle. If
 13 firefighter plates are lost, stolen, or mutilated, the licensee
 14 shall be issued replacement plates pursuant to section 60-3,157.

15 (4) (a) The owner of a vehicle bearing firefighter plates
 16 may make application to the county treasurer or designated county
 17 official to have such plates transferred to a motor vehicle other
 18 than the vehicle for which such plates were originally purchased if
 19 such vehicle is owned by the owner of the plates.

20 (b) The owner may have the unused portion of the fee for
 21 the firefighter plates credited to the other vehicle which will
 22 bear the plates at the rate of eight and one-third percent per
 23 month for each full month left in the registration period.

24 (c) Application for such transfer shall be accompanied by
 25 a fee of three dollars. Fees collected pursuant to this subsection

1 shall be remitted to the State Treasurer for credit to the
2 Department of Motor Vehicles Cash Fund.

3 (5) If the cost of manufacturing firefighter plates at
4 any time exceeds the amount charged for license plates pursuant to
5 section 60-3,102, any money to be credited first to the Firefighter
6 Response Cash Fund shall instead be credited first to the Highway
7 Trust Fund in an amount equal to the difference between the
8 manufacturing costs of firefighter plates and the amount charged
9 pursuant to section 60-3,102 with respect to such plates and the
10 remainder shall be credited to the Firefighter Response Cash Fund.

11 Sec. 4. Section 60-393, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 60-393 Any owner who has two or more motor vehicles
14 or trailers required to be registered under the Motor Vehicle
15 Registration Act may register all such motor vehicles or trailers
16 on a calendar-year basis or on an annual basis for the same
17 registration period beginning in a month chosen by the owner. When
18 electing to establish the same registration period for all such
19 motor vehicles or trailers, the owner shall pay the registration
20 fee, the motor vehicle tax imposed in section 60-3,185, and
21 the motor vehicle fee imposed in section 60-3,190 on each motor
22 vehicle for the number of months necessary to extend its current
23 registration period to the registration period under which all
24 such motor vehicles or trailers will be registered. Credit shall
25 be given for registration paid on each motor vehicle or trailer

1 when the motor vehicle or trailer has a later expiration date than
2 that chosen by the owner except as otherwise provided in sections
3 60-3,121 and 60-3,128 and section 3 of this act. Thereafter, all
4 such motor vehicles or trailers shall be registered on an annual
5 basis starting in the month chosen by the owner.

6 Sec. 5. Section 60-395, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-395 Except as otherwise provided in sections 60-3,121
9 and 60-3,128 and section 3 of this act, (1) upon transfer of
10 ownership of any motor vehicle or trailer, (2) in case of loss
11 of possession because of fire, theft, dismantlement, or junking,
12 (3) when a salvage branded certificate of title is issued, (4)
13 whenever a type or class of motor vehicle or trailer previously
14 registered is subsequently declared by legislative act or court
15 decision to be illegal or ineligible to be operated or towed on the
16 public roads and no longer subject to registration fees, the motor
17 vehicle tax imposed in section 60-3,185, and the motor vehicle
18 fee imposed in section 60-3,190, or (5) in case of a change in
19 the situs of a motor vehicle or trailer to a location outside of
20 this state, the registration shall expire and the registered owner
21 may, by returning the registration certificate, the license plates,
22 and, when appropriate, the validation decals and by either making
23 affidavit to the county treasurer or designated county official of
24 the occurrence of an event described in subdivisions (1) through
25 (4) of this section or, in the case of a change in situs,

1 displaying to the county treasurer or designated county official
2 the registration certificate of such other state as evidence of a
3 change in situs, receive a refund of that part of the unused fees
4 on motor vehicles or trailers based on the number of unexpired
5 months remaining in the registration period from the date of the
6 event, except that when such date falls within the same calendar
7 month in which the motor vehicle or trailer is acquired, no refund
8 shall be allowed for such month. The registered owner shall make
9 a claim for credit or refund of the unused fees within sixty days
10 after the date of the event or shall be deemed to have forfeited
11 his or her right to such refund. For purposes of this section, the
12 date of the event shall be, in the case of a transfer or loss,
13 the date of the transfer or loss, in the case of a change in the
14 situs, the date of registration in another state, in the case of
15 a legislative act, the effective date of the act, and in the case
16 of a court decision, the date the decision is rendered. Application
17 for registration or for reassignment of license plates and, when
18 appropriate, validation decals to another motor vehicle or trailer
19 shall be made within thirty days of the date of purchase.

20 Sec. 6. Section 60-396, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 60-396 Whenever the registered owner files an application
23 with the county treasurer or designated county official showing
24 that a motor vehicle or trailer is disabled and has been
25 removed from service, the registered owner may, by returning

1 the registration certificate, the license plates, and, when
2 appropriate, the validation decals or, in the case of the
3 unavailability of such registration certificate or certificates,
4 license plates, or validation decals, then by making an affidavit
5 to the county treasurer or designated county official of such
6 disablement and removal from service, receive a credit for a
7 portion of the registration fee from the fee deposited with the
8 State Treasurer at the time of registration based upon the number
9 of unexpired months remaining in the registration year except as
10 otherwise provided in sections 60-3,121 and 60-3,128 and section 3
11 of this act. The owner shall also receive a credit for the unused
12 portion of the motor vehicle tax and fee based upon the number
13 of unexpired months remaining in the registration year. When the
14 owner registers a replacement motor vehicle or trailer at the time
15 of filing such affidavit, the credit may be immediately applied
16 against the registration fee and the motor vehicle tax and fee for
17 the replacement motor vehicle or trailer. When no such replacement
18 motor vehicle or trailer is so registered, the county treasurer
19 or designated county official shall forward the application and
20 affidavit, if any, to the State Treasurer who shall determine the
21 amount, if any, of the allowable credit for the registration fee
22 and issue a credit certificate to the owner. For the motor vehicle
23 tax and fee, the county treasurer or designated county official
24 shall determine the amount, if any, of the allowable credit and
25 issue a credit certificate to the owner. When such motor vehicle

1 or trailer is removed from service within the same month in which
2 it was registered, no credits shall be allowed for such month.
3 The credits may be applied against taxes and fees for new or
4 replacement motor vehicles or trailers incurred within one year
5 after cancellation of registration of the motor vehicle or trailer
6 for which the credits were allowed. When any such motor vehicle or
7 trailer is reregistered within the same registration year in which
8 its registration has been canceled, the taxes and fees shall be
9 that portion of the registration fee and the motor vehicle tax and
10 fee for the remainder of the registration year.

11 Sec. 7. Section 60-3,104, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 60-3,104 The department shall issue the following types
14 of license plates:

15 (1) Amateur radio station license plates issued pursuant
16 to section 60-3,126;

17 (2) Boat dealer license plates issued pursuant to section
18 60-379;

19 (3) Bus license plates issued pursuant to section
20 60-3,144;

21 (4) Commercial truck and truck-tractor license plates
22 issued pursuant to section 60-3,147;

23 (5) Dealer or manufacturer license plates issued pursuant
24 to sections 60-3,114 and 60-3,115;

25 (6) Disabled veteran license plates issued pursuant to

1 section 60-3,124;

2 (7) Farm trailer license plates issued pursuant to
3 section 60-3,151;

4 (8) Farm truck license plates issued pursuant to section
5 60-3,146;

6 (9) Farm trucks with a gross weight of over sixteen tons
7 license plates issued pursuant to section 60-3,146;

8 (10) Fertilizer trailer license plates issued pursuant to
9 section 60-3,151;

10 (11) Film vehicle license plates issued pursuant to
11 section 60-383;

12 (12) Firefighter plates issued pursuant to sections 2 and
13 3 of this act;

14 ~~(12)~~ (13) Fleets of apportionable commercial vehicles
15 license plates issued pursuant to section 60-3,203;

16 ~~(13)~~ (14) Handicapped or disabled person license plates
17 issued pursuant to section 60-3,113;

18 ~~(14)~~ (15) Historical vehicle license plates issued
19 pursuant to sections 60-3,130 to 60-3,134;

20 ~~(15)~~ (16) Local truck license plates issued pursuant to
21 section 60-3,145;

22 ~~(16)~~ (17) Motor vehicle license plates for motor vehicles
23 owned or operated by the state, counties, municipalities, or school
24 districts issued pursuant to section 60-3,105;

25 ~~(17)~~ (18) Motor vehicles exempt pursuant to section

- 1 60-3,107;
- 2 ~~(18)~~ (19) Motorcycle license plates issued pursuant to
- 3 section 60-3,100;
- 4 ~~(19)~~ (20) Nebraska Cornhusker Spirit Plates issued
- 5 pursuant to sections 60-3,127 to 60-3,129;
- 6 ~~(20)~~ (21) Nonresident owner thirty-day license plates
- 7 issued pursuant to section 60-382;
- 8 ~~(21)~~ (22) Passenger car having a seating capacity of ten
- 9 persons or less and not used for hire issued pursuant to section
- 10 60-3,100;
- 11 ~~(22)~~ (23) Passenger car having a seating capacity of
- 12 ten persons or less and used for hire issued pursuant to section
- 13 60-3,100;
- 14 ~~(23)~~ (24) Pearl Harbor license plates issued pursuant to
- 15 section 60-3,122;
- 16 ~~(24)~~ (25) Personal-use dealer license plates issued
- 17 pursuant to section 60-3,116;
- 18 ~~(25)~~ (26) Personalized message license plates for motor
- 19 vehicles and cabin trailers, except commercial trucks registered
- 20 for over ten tons gross weight, issued pursuant to sections
- 21 60-3,118 to 60-3,121;
- 22 ~~(26)~~ (27) Prisoner-of-war license plates issued pursuant
- 23 to section 60-3,123;
- 24 ~~(27)~~ (28) Purple Heart license plates issued pursuant to
- 25 section 60-3,125;

1 ~~(28)~~ (29) Recreational vehicle license plates issued
2 pursuant to section 60-3,151;

3 ~~(29)~~ (30) Repossession license plates issued pursuant to
4 section 60-375;

5 ~~(30)~~ (31) Trailer license plates issued for trailers
6 owned or operated by the state, counties, municipalities, or school
7 districts issued pursuant to section 60-3,106;

8 ~~(31)~~ (32) Trailer license plates issued pursuant to
9 section 60-3,100;

10 ~~(32)~~ (33) Trailers exempt pursuant to section 60-3,108;

11 ~~(33)~~ (34) Transporter license plates issued pursuant to
12 section 60-378;

13 ~~(34)~~ (35) Trucks or combinations of trucks,
14 truck-tractors or trailers which are not for hire and
15 engaged in soil and water conservation work and used for the
16 purpose of transporting pipe and equipment exclusively used by such
17 contractors for soil and water conservation construction license
18 plates issued pursuant to section 60-3,149;

19 ~~(35)~~ (36) Utility trailer license plates issued pursuant
20 to section 60-3,151; and

21 ~~(36)~~ (37) Well-boring apparatus and well-servicing
22 equipment license plates issued pursuant to section 60-3,109.

23 Sec. 8. Section 60-3,118, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 60-3,118 (1) In lieu of the license plates provided

1 for by section 60-3,100, the department shall issue personalized
2 message license plates for motor vehicles or cabin trailers, except
3 commercial trucks registered for over ten tons gross weight, to
4 all applicants who meet the requirements of sections 60-3,119 to
5 60-3,121. Personalized message license plates shall be the same
6 size and of the same basic design as regular license plates issued
7 pursuant to section 60-3,100. The characters used shall consist
8 only of letters and numerals of the same size and design and
9 shall comply with the requirements of subdivision (1)(a) of section
10 60-3,100. A maximum of seven characters may be used, except that
11 for motorcycles, a maximum of six characters may be used.

12 (2) The following conditions apply to all personalized
13 message license plates:

14 (a) County prefixes shall not be allowed except
15 in counties using the alphanumeric system for motor vehicle
16 registration. The numerals in the county prefix shall be the
17 numerals assigned to the county, pursuant to subsection (2) of
18 section 60-370, in which the motor vehicle or cabin trailer
19 is registered. Renewal of a personalized message license plate
20 containing a county prefix shall be conditioned upon the motor
21 vehicle or cabin trailer being registered in such county. The
22 numerals in the county prefix, including the hyphen or any other
23 unique design for an existing license plate style, count against
24 the maximum number of characters allowed under this section;

25 (b) The characters in the order used shall not conflict

1 with or duplicate any number used or to be used on the regular
2 license plates or any number or license plate already approved
3 pursuant to sections 60-3,118 to 60-3,121;

4 (c) The characters (i) in the order used shall not
5 ~~express, connote, or imply any obscene or objectionable words or~~
6 ~~abbreviations;~~ denote a governmental agency or (ii) in either the
7 order used or in reverse order denote a sexual connotation; denote
8 a term of vulgarity, contempt, prejudice, hostility, insult, or
9 racial or ethnic degradation as defined in dictionaries; denote a
10 recognized swear word; denote a term considered to be offensive; or
11 denote a foreign word falling into any of these categories; and

12 (d) An applicant receiving a personalized message license
13 plate for a farm truck with a gross weight of over sixteen tons
14 or a commercial truck or truck-tractor with a gross weight of five
15 tons or over shall affix the appropriate tonnage decal to such
16 license plate.

17 (3) The department shall have sole authority to determine
18 if the conditions prescribed in subsection (2) of this section have
19 been met.

20 Sec. 9. Section 81-5,151, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-5,151 (1) The State Fire Marshal shall establish a
23 training division for purposes of operating a statewide training
24 program for fire department personnel, others involved in fire
25 safety training, and other emergency responders that may require

1 specialized training available from the training program for the
2 purposes of developing, maintaining, and updating fire department
3 skills and other skills of those emergency responders requiring
4 specialized training available from the training program. The
5 State Fire Marshal in establishing a training division shall ~~(1)~~
6 (a) conduct training, ~~(2)~~ (b) certify fire department personnel,
7 ~~(3)~~ (c) give technical assistance to fire departments and other
8 emergency responders requiring specialized training available from
9 the training program, and ~~(4)~~ (d) conduct live fire training. The
10 State Fire Marshal in establishing such training may also give
11 technical assistance to rescue squads and respond to emergencies
12 upon request for technical assistance. Fees for manuals and
13 training shall be collected pursuant to section 81-5,152.

14 (2) The State Fire Marshal shall provide training for
15 fire department personnel and other emergency response personnel
16 for updating, upgrading, and establishing response capabilities
17 for emergencies handled by local emergency response organizations.
18 The training shall include classes and seminars, specialized and
19 technical assistance to emergency response organizations, necessary
20 equipment and supplies for instructors, and aid for training and
21 reporting by local emergency response organizations. The training
22 under this subsection shall be funded through the Firefighter
23 Response Cash Fund.

24 (3) Nothing in this section shall require mandatory
25 participation by fire departments, individuals, or others

1 interested in fire safety training or other specialized training
2 available from the training program.

3 Sec. 10. Section 81-5,157, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-5,157 (1) The Firefighter Response Cash Fund is
6 created. The fund shall include money credited to the fund pursuant
7 to section 3 of this act and gifts, grants, or other funds received
8 by the State Fire Marshal for purposes of training firefighters and
9 other emergency response personnel.

10 (2) The State Fire Marshal shall administer the fund for
11 purposes of training firefighters, fire department personnel, and
12 other emergency response personnel as prescribed in subsection (2)
13 of section 81-5,151.

14 (3) Any money in the fund available for investment
15 shall be invested by the state investment officer pursuant to
16 the Nebraska Capital Expansion Act and the Nebraska State Funds
17 Investment Act.

18 The Fire Service and Safety Training Program is hereby
19 transferred to the State Fire Marshal. All personnel of the program
20 in the State Department of Education who manage, teach, are office
21 personnel, or are involved in the running of the program shall be
22 transferred to the office of the State Fire Marshal on July 1,
23 1993.

24 All furniture, equipment, books, files, records, leases,
25 and other property used by the Nebraska Fire Service shall be

1 transferred and delivered to the State Fire Marshal on July 17
2 1993.

3 Sec. 11. This act becomes operative on January 1, 2008.

4 Sec. 12. Original sections 81-5,151 and 81-5,157,
5 Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393,
6 60-395, 60-396, 60-3,104, and 60-3,118, Revised Statutes Cumulative
7 Supplement, 2006, are repealed.